

TO: All Concerned Persons

On October 25, 2006, at 3:00 p.m., the Board of Environmental Review will hold a public hearing at the Gallatin Gateway Inn, 76405 Gallatin Road, Gallatin Gateway, Montana, to consider the proposed amendment of ARM 17.30.617 and ARM 17.30.638 and to receive comment pertaining to the Gallatin River ORW draft EIS.

The board will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, contact the board no later than 5:00 p.m., October 18, 2006, to advise us of the nature of the accommodation that you need. Please contact the board secretary at P.O. Box 200901, Helena, Montana 59620-0901; phone (406) 444-2544; fax (406) 444-4386; or e-mail ber@mt.gov.

The board is proposing to amend ARM 17.30.617 to designate the mainstem Gallatin River from the Yellowstone National Park boundary to the confluence of Spanish Creek as an Outstanding Resource Water (ORW) and to amend ARM 17.30.638 (1) to add a new sub-section clarifying that discharges to ground water with a direct hydrologic connection to an ORW are within the statutory mandate prohibiting any permanent change in the water quality of an ORW resulting from point source discharges and (2) to clarify that existing point sources or ground water sources that will result in discharges to an ORW, which have been approved, authorized, licensed, or permitted prior to the effective date of the ORW's designation, are not subject to the prohibitions in the statute against causing permanent changes in the water quality of an ORW.

The board received a petition from American Wildlands in December 2001 requesting the board to initiate rulemaking to designate the mainstem Gallatin River from the Yellowstone National Park boundary to the confluence of Spanish Creek as an Outstanding Resource Water (ORW).

At the March 2002 meeting the board received comment on the petition and directed the Department of Environmental Quality to prepare an environmental impact study (EIS) addressing the petition. The draft EIS was released for public comment on September 8, 2006 (close of comments on the draft EIS is October 27, 2006) and a final EIS and Record of Decision (ROD) will be prepared about November 30, 2006.

The designation of the Gallatin River as an ORW as proposed is contingent upon concurring action by the Legislature.

A copy of the proposed changes to the ARM listed above may be obtained from the Internet at www.deq.state.mt.us/dir/legal/notices.asp or by contacting Christian J Levine at the Department of Environmental Quality, Metcalf Building, PO Box 200901, Helena, MT 59620-0901, (406) 444-0371, fax (406) 444-6836, E-mail clevine@mt.gov.

Concerned persons may submit their data, views, or arguments, pertaining to this proposed rulemaking either orally or in writing, at the hearing or written data, views, or arguments may be submitted to the board secretary at Board of Environmental Review, 1520 E. Sixth Avenue, P.O. Box 200901, Helena, Montana 59620-0901; faxed to (406) 444-4386; or e-mailed to ber@mt.gov, no later than November 2, 2006. To be guaranteed consideration, mailed comments must be postmarked on or before that date.